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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,203	11/09/2000	Hideki Koike	LEXW116493	4596
26389	7590	02/23/2005		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
			EXAMINER ABRISHAMKAR, KAVEH	
			ART UNIT 2131	PAPER NUMBER

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/710,203	KOIKE ET AL.	
	Examiner	Art Unit	
	Kaveh Abrishamkar	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to the amendment received on October 21, 2004. The original application contained claims 1 – 22. Per the received amendment, claims 1-3,6,8-11,13,15,17-19 and 21 have been amended; claims 7 and 22 have been cancelled; and claims 23-26 have been added. Presently pending claims are 1-6,8-21, and 23-26.

Response to Arguments

2. Applicant's arguments, filed on October 21, 2004, have been fully considered but they are not persuasive for the following reasons:

Regarding currently amended claim 1, the applicant argues that the cited prior art does not teach, "**restoration means which restore an altered or deleted log file by replacing the altered or deleted file with an unaltered log file from the plurality of identical log files, when the altered or deleted log file is detected by said alteration detection means.**" The examiner respectfully traverses this argument. The cited prior art, Shen (U.S. Patent No. 6,611,850), discloses a backup/restore method which has a restoring process (replacing the file) which, by selecting the backup copy file(s) (unaltered file from plurality of files), replaces an existing file or an already deleted

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file according to a "restore detail instructing process" and an "integrity judgment process" (alteration detection) which establishes if the file has been destroyed or infected by a virus (altered) and generates a new copy if determines the modification (Abstract, column 4 line 21 – column 5 line 35, column 12 lines 23-32). Therefore the cited prior art does teach the restoration means as disclosed by the Applicant.

Regarding the Applicant's assertion that the cited prior art does not teach the hiding means which **"re-hide the hidden log file in different locations when alteration or deletion is detected by the alteration detection means"**, in dependent claims 3, 4, and 5, the Examiner interprets "hide" and "re-hide" as moving the files to different locations. Referring to Figure 6, the cited prior art (Shen) monitors a target file for a modification (alteration detection means) and if it is deemed modified, then files are moved from memory to a working area, and then after an integrity judging process, removed (re-hidden) to another memory location. Further, in response to the Applicant's assertion that the cited prior art does not teach **"wherein the log file creation means create the plurality of identical log files in parallel using identical information,"** in dependent claim 2, the cited prior art, Shen, discloses backup copies being made of a designated file and stored in memory. It is interpreted that a backup copy is identical in information if it is to be used to replace a corrupted file, as is the case in the disclosure of Shen. Therefore, the Examiner asserts that the cited prior art does teach log file creation, which creates a plurality of identical log files in parallel using identical information. Regarding the assertion that the cited prior art does not teach "means which perform additional processing", the Examiner points out that the "additional

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processing” is broad and can include any processing which occurs after alteration detection and with this interpretation, the cited prior art discloses changing the filename of the file when it is due to be replaced. Accordingly, the cited prior art does teach an “additional processing.”

Accordingly the rejection for the pending claims 1-6 and 8-21 is respectfully maintained, and new rejections are applied for the new claims 23-26.

Claim Objections

3. Claim 25 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim, such as claim 25 depending on claim 6 and 5. See MPEP § 608.01(n). For the purpose of examination, claim 25 is interpreted to being dependent on claim 17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6,8-21, and 23-26. are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen (U.S. 6,611,850) in view of Falkner (U.S. 5,713,008).

Regarding claim 1, Shen discloses:

A file protection system for protecting files in which computer system operations have been recorded, comprising:

file creation means which create a plurality of identical files (column 3 lines 6 – 40, column 4 lines 54 – 57);

alteration detection means which periodically monitor said plurality of identical files for alteration or detection (Figure 2 item 216, column 4 lines 1 – 6, column 15 line 66 – column 16 line 6); and

restoration means which restore an altered or deleted log file, by replacing the altered or deleted log file with an unaltered log file from the plurality of identical log files, when the altered or deleted file is detected by said alteration detection means (column 4 lines 12 – 41, column 16 line 38 – column 17 line 8).

Shen does not explicitly discuss the creation of log files to record the operations of a computer system. Falkner discloses the generation and storage of log files to monitor computer transactions (Figure 4, column 6 line 10 – column 7 line 20). Shen discusses that “backup shall mean to make a copy of data and/or program...so as to prevent from file destruction due to hardware trouble and malfunctions, or accidental infection by (a) computer virus (es)” (column 1 lines 15-22). Therefore it would have been obvious at the time the applicant's invention was made to use the file protection

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system of Shen to protect against deletion or modification of log files by providing backup copies of the log files. This would further provide assurance that the system log files can not be corrupted or modified, thereby increasing the security and robustness of the computer system.

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Shen discloses:

The log file protection system of claim 1, wherein said log file creation means create said plurality of identical log files in parallel, using identical information (column 3 lines 6 – 40, column 4 lines 54 – 57).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Shen discloses:

The log file protection system of claim 1, further comprising means which hide all but one of the plurality of identical log files (column 6 lines 28 – 65).

Claim 8 is rejected as applied above in rejecting claim 1. Furthermore, Shen discloses:

The log file protection system of claim 1, further comprising means which perform additional processing, when an alteration or detection is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Shen discloses:

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The log file protection system of claim 3, wherein said hiding means periodically re-hide said hidden log files in different locations (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 5 is rejected as applied above in rejecting claim 3. Furthermore, Shen discloses:

The log file protection system of claim 3, wherein said hiding means re-hide said hidden log files in different locations, when alteration or deletion is detected by said alteration detection means (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 9 is rejected as applied above in rejecting claim 2. Furthermore, Shen discloses:

The log file protection system of claim 2, further comprising means which perform additional processing, when alteration or detection is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 10 is rejected as applied above in rejecting claim 2. Furthermore, Shen discloses:

The log file protection system of claim 2, further comprising hiding means which hide all but one of the plurality of identical log files (column 6 lines 28 – 65).

Claim 18 is rejected as applied above in rejecting claim 3. Furthermore, Shen discloses:

The log file protection system of claim 3, further comprising means which perform additional processing, when an alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 6 is rejected as applied above in rejecting claim 5. Furthermore, Shen discloses:

The log file protection system of Claim 5, further comprising means which perform additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 11 is rejected as applied above in rejecting claim 10. Furthermore, Shen discloses:

The log file protection system of claim 10, further comprising means which performs additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 12 is rejected as applied above in rejecting claim 10. Furthermore, Shen discloses:

The log file protection system of claim 10, wherein said hiding means re-hide said hidden log files in different locations, when alteration or deletion is detected by said alteration detection means (column 4 lines 7 – 41, column 6 lines 28 – 65).

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Claim 14 is rejected as applied above in rejecting claim 10. Furthermore, Shen discloses:

The log file protection system of claim 10, wherein said hiding means periodically re-hide said hidden log files in different locations (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 19 is rejected as applied above in rejecting claim 4. Furthermore, Shen discloses:

The log file protections system of claim 4, further comprising means which perform additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 20 is rejected as applied above in rejecting claim 4. Furthermore, Shen discloses:

The log file protection system of claim 4, wherein said hiding means re-hide said hidden log files in different locations, when alteration or deletion is detected by said alteration detection means (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 13 is rejected as applied above in rejecting claim 12. Furthermore, Shen discloses:

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The log file protection system of claim 12, further comprising means which perform additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 15 is rejected as applied above in rejecting claim 14. Furthermore, Shen discloses:

The log file protection system of claim 14, further comprising means which perform additional processing, alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 16 is rejected as applied above in rejecting claim 14. Furthermore, Shen discloses:

The log file protection system of claim 14, wherein said hiding means re-hide said hidden log files in different locations, when alteration or deletion is detected by said alteration detection means (column 4 lines 7 – 41, column 6 lines 28 – 65).

Claim 21 is rejected as applied above in rejecting claim 20. Furthermore, Shen discloses:

The log file protection system of claim 20, further comprising means which perform additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

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Claim 17 is rejected as applied above in rejecting claim 16. Furthermore, Shen discloses:

The log file protection system of claim 16, further comprising means which perform additional processing, when alteration or deletion is detected by said alteration detection means (column 4 lines 1 – 41).

Claim 23 is rejected as applied above in rejecting claim 1. Furthermore, Shen discloses:

The log file protection system of claim 1, wherein said alteration detection means monitor said log files by using fingerprint data generated based on the entire content of the log file (Figure 2 item 216, column 4 lines 1 – 6, column 15 line 66 – column 16 line 6).

Claim 24 is rejected as applied above in rejecting claim 1. Furthermore, Shen discloses:

The log file protection system of claim 1, wherein said restoration means restore the altered or deleted log file automatically (column 4 lines 12 – 41, column 16 line 38 – column 17 line 8).

Claim 25 is rejected as applied above in rejecting claim 17. Furthermore, Shen discloses;

Recording media which stores a program capable of implementing the log protection system according to any of the Claims 1-6,8-21,23-24 on a computer system (column 8 lines 14-28).

5. Claim 26 is a method claim analogous to the system claims rejected above, and therefore, is rejected following the same reasoning.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
02/17/05


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